

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

JOHNNIE FOSTER	)	
4721 Merry Lane	)	
Toledo, Ohio 43615	)	
	)	Case No
Plaintiff,	)	
	)	JURY DEMAND REQUESTED
v.	)	
	)	VERIFIED CIVIL COMPLAINT
	)	(Unlawful Debt Collection Practices)
NCO FINANCIAL SYSTEMS, INC.	)	
507 Prudential Rd.	)	
Horsham, PA 19044	)	
	)	
Defendant.	)	

**VERIFIED COMPLAINT**

JOHNNIE FOSTER (Plaintiff), by his attorneys, KAHN AND ASSOCIATES, L.L.C., alleges the following against NCO FINANCIAL SYSTEMS, INC. (Defendant):

**INTRODUCTION**

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.

3. Because Defendant conducts business in Ohio, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

### **PARTIES**

5. Plaintiff is a natural person who resides in Toledo, Lucas County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a "consumer" as that term is defined by *15 U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a debt collector with an office in Horsham, Pennsylvania.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

### **FACTUAL ALLEGATIONS**

10. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt.

11. For at least the past four (4) months, Defendant has been calling Plaintiff approximately 3-4 times per week.
12. Defendant called Plaintiff and used offensive language and personal verbal attacks during multiple telephone calls in an attempt to collect a debt.
13. Defendant called Plaintiff from telephone number: 888-713-4311.
14. Defendant places collection calls to Plaintiff on telephone number: 419-536-4962.

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

15. Defendant violated the FDCPA based on the following:
  - a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
  - b. Defendant violated §1692d(2) of the FDCPA by using obscene or profane language or language the natural consequence of which is to abuse the hearer or reader.
  - c. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring and engaging Plaintiff in telephone conversations repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

WHEREFORE, Plaintiff, JOHNNIE FOSTER respectfully requests judgment be entered against Defendant, NCO FINANCIAL SYSTEMS, INC. for the following:

16. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
18. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

Plaintiff, JOHNNIE FOSTER, requests a jury trial in this case.

RESPECTFULLY SUBMITTED,

KAHN & ASSOCIATES, L.L.C.

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